REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on December 2, 2005. At the time the Examiner mailed the Office Action claims 1-21 and 23-33 were pending. By way of the present response the Applicants have: 1) amended claims 1, 10, 19, and 26; 2) added no new claims; and 3) canceled no claims. As such, claims 1-21 and 23-33 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

Claim Rejections

35 U.S.C. 102(e) Rejections

The Examiner rejected claims 19-20, 26, and 28-29 under 35 U.S.C. 102(e) as being anticipated by Landau, U.S. Patent 6,549,980 (hereinafter "Landau").

Landau describes a manufacturing process for software raid disk sets in a computer system. During the manufacturing process, a master image from one disk of a reference disk pair is extracted. (Landau, col. 3, lines 9-10) A difference comparison between partitions of a target disk of the reference disk pair and a master image then is performed. (Landau, col. 3, lines 9-20.) This difference comparison results in the formation of a "collection of differences" that includes "extracting locations and contents of blocks that are different between

the disks of the reference pair." (Landau, col. 3, lines 17-20.) Accordingly, the

manufacturing process's data processing device, which is not the computer

shown in Figure 1 that will be created and where the collection of differences will

be applied, performs the difference comparison and creates the collection of

differences. (See, for example, Landau, col.3, lines 51-57.) Landau describes

using a collection of differences during manufacturing only. ·

With respect to independent claim 19, Landau does not describe what

Applicant's claim 19 requires. Landau does not describe:

> maintaining a program code map on a server
> indicating how program code is allocated among a
> plurality of non-volatile memory blocks on a data
> processing device;
> using said program code map to facilitate
> modifications to said program code on said data
> processing device;
> maintaining a list of transactions between said
> server and said data processing device during end-
> user operation of said data processing device; and
> running an algorithm to construct said map in
> realtime using said list of transactions, said algorithm
> being an algorithm executed on said data processing
> device to store program code within said plurality of
> non-volatile memory blocks of the data processing
> device.

Landau does not describe that the master image is a part of the

manufacturing process' data processing device. (See, for example, the

description of the manufacturing processing retrieving the mater image in col. 3,

lines 37-41.) Accordingly, Landau does not describe "maintaining a program

code map on a server indicating how program code is allocated among a

plurality of non-volatile memory blocks on a data processing device" as the master image is not a part of the manufacturing process' data processing device.

Additionally, Landau does not describe "maintaining a list of transactions between said server and said data processing device during end-user operation of said data processing device." Neither the manufacturing process' data processing device nor the storage that houses the collection of differences maintain "a list of transactions" between themselves during operation of the manufacturing process' data processing device. The manufacturing process' data processing device creates a collection of differences but these are not transactions between the collection of differences and the manufacturing process' data processing device during end-user operation of the data processing device.

Accordingly, Applicant respectfully submits that Landau does not describe what Applicant's claim 19 requires. Claims 20-21 and 22-25 are dependent upon claim 19 and are allowable for at least the same reason.

With respect to independent claim 26, Landau does not describe what Applicant's claim 26 requires. Landau does not describe

> a server to transmit program code to a data processing device and to continually monitor during end-user operation of said data processing device (1) which program code is stored on said data processing device and (2) specific areas in a memory space in which said program code is stored on said data processing device, and
> the server to transfer additional program code to said data processing device along with storage location data indicating where in said memory said additional program code should be stored.

Landau describes using a collection of differences during manufacturing only and not during end-user operation. Accordingly, Applicant respectfully submits that Landau does not describe what Applicant's claim 26 requires. Claims 27-33 are dependent upon claim 26 and are allowable for at least the same reason.

35 U.S.C. 103(a) Rejections

The Examiner rejected claims 1-9 under 35 U.S.C. 103(a) as being unpatentable over Larry L. Peterson and Bruce S. Davie , Computer Networks, (hereinafter "Peterson, et al.") in view of Eidt, et al. U.S. Patent 6,219,830 (hereinafter "Eidt") and further in view of Landau, U.S. Patent 6,549,980 (hereinafter "Landau").

Peterson discloses methods of transferring data across a network using the Internet Protocol (IP) packets. Peterson further discloses a key part of the IP service mode is the type of packets that can be carried. The IP datagram, like most packets, consists of a header followed by a number of bytes of data. (See Peterson, page 251).

Eidt discloses a memory array in which "the application program is loaded in step 204 into a region 302 of the read-only portion of memory 106. The application program includes (among other sections not shown) a header section loaded into a memory region 304, a code section loaded into a memory region

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306, a data section loaded into a memory region 308, and a loader section loaded into a memory region 310." (see Eidt, Col. 9, lines 52-58).

The combination of Landau, Peterson, and Eidt does not describe what Applicant's claim 1 requires. Specifically, the combination does not describe

> splitting said program code into one or more blocks;
> assigning each of said blocks a header containing a sequence number identifying which portion of said program code each of said blocks correspond to;
> storing said one or more blocks of program code and said associated headers in locations of a non-volatile memory of the data processing device; and
> <u>generating a map of the locations where said blocks of program code are stored in the non-volatile memory of the data processing device during end-user operation of said data processing device</u>.

Neither Landau, Eidt, nor Peterson describe the generation of a map of locations where block of program code are stored in a data processing device during end-user operation of that device. Accordingly, the combination of Landau, Eidt, and Peterson does not describe what Applicant's claim 1 requires. Claims 2-9 are dependent upon claim 1 and are allowable for at least the same rationale.

The Examiner rejected claims 10-18 under 35 U.S.C. 103(a) as being unpatentable over Larry L. Peterson and Bruce S. Davie , <u>Computer Networks,</u> (hereinafter "Peterson, et al.") and further in view of Landau, U.S. Patent 6,549,980 (hereinafter "Landau").

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The combination of Peterson and Landau does not describe what

Applicant's claim 1 requires. Specifically, the combination does not describe:

> transmitting said one or more applications from a server to said data processing device concurrently with block allocation data indicating blocks on said data processing device into which said one or more applications are to be stored; and
> maintaining a list of all subsequent data transactions performed with said data processing device during end-user operation of said device, said list usable by said server to construct a map of all applications stored on said data processing device.

Neither Landau nor Peterson describe the maintaining of a list of

subsequent data transaction performed with a data processing device during

end-user operation of that device. Accordingly, the combination of Landau and

Peterson does not describe what Applicant's claim 10 requires. Claims 11-18

are dependent upon claim 10 and are allowable for at least the same rationale.

In light of the comments above, the Applicant respectfully requests the

allowance of all claims.

CONCLUSION

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Thomas C. Webster at (408) 720-8300.

Respectfully Submitted,
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